

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6813**

**BILL NUMBER:** SB 274

**NOTE PREPARED:** Jan 23, 2012

**BILL AMENDED:** Jan 19, 2012

**SUBJECT:** Immunity for Certain Alcohol Offenses.

**FIRST AUTHOR:** Sen. Merritt

**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. It prohibits a law enforcement officer from taking a person into custody for a crime of public intoxication or minor possession, consumption, or transportation of an alcoholic beverage if the officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that: (1) the officer has contact with the person because the person requested emergency medical assistance, or acted in concert with another person who requested emergency medical assistance, for an individual who reasonably appeared in need of medical assistance due to alcohol consumption; and (2) the person meets other requirements.
- B. It specifies that person may not bring an action against a law enforcement officer who takes a person into custody after requesting emergency assistance.
- C. It provides that a person meeting these conditions is immune from criminal prosecution for public intoxication or minor possession, consumption, or transportation of an alcoholic beverage.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill would specify that a person is immune from prosecution for certain misdemeanors involving alcohol or controlled substance misdemeanors that are shown

in the following table if the person cooperates with a law enforcement officer when requesting emergency medical assistance for another person.

Misdemeanor	Offense	Maximum Imprisonment	Maximum Fine
Class B	Public Intoxication	180 days in jail or probation	\$1,000
	Intoxication upon Common Carrier		
Class C	Illegal Possession by a Minor	60 days in Jail or probation	\$500

Depending on the circumstances, this bill could reduce the number of persons who might be sentenced to either jail or to probation. However, because the number of these alcohol-related misdemeanors is not reported at the state level, the specific impact cannot be determined.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Prosecuting attorneys; Local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.